

**United States District Court****for the****Western District Of Tennessee****Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Thomas Pipkin

Case Number: 01-20264-01

Name of Sentencing Judicial Officer: The Honorable Robert H. Cleland

Date of Original Sentence: 08/05/2002

Original Offense: Conspiracy to Manufacture Methamphetamine

Original Sentence: Prison - 14 Months;  
TSR - 36 Months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Thomas Colthurst

Date Supervision Commenced: 09/27/2003

Defense Attorney: Jeffrey Jones

Date Supervision Expires: 09/26/2006

**PETITIONING THE COURT**☐ To issue a warrant.☐ To issue a summons.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
<b>1</b>	<b>The defendant shall not commit another state, federal or local crime</b> - On June 22, 2006, Mr. Pipkin was arrested by Murfreesboro, TN Police Department for Driving Under the Influence of an Intoxicant and Violation of the Implied Consent Law. The police report stated that Mr. Pipkin had an odor of intoxicant on his person, glassy bloodshot eyes, slurred speech and was unsteady on his feet. The arresting officer stated Mr. Pipkin was unable to perform the sobriety test and then refused the breathalyzer. Mr. Pipkin's next court date has been set for September 21, 2006 in General Sessions Criminal Court, Rutherford County, Tennessee.
<b>2</b>	<b>The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer</b> - Mr. Pipkin failed to notify USPO Putnam within 72 hours as required of his August 12, 2004 arrest for Possession of Gambling Devices. This charge was dismissed on September 22, 2004.  Mr. Pipkin failed to notify USPO Putnam within 72 hours as required after his arrest on June 22, 2006 in Murfreesboro, TN for Driving Under the Influence of an Intoxicant and Violation of the Implied Consent Law.
<b>3</b>	<b>The defendant shall refrain from excessive use of alcohol</b> - At the time of Mr. Pipkin's

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June 22, 2006 arrest, he admitted to the arresting officers that he had eight drinks at O'Charley's Restaurant over the course of three hours.

- 4 The defendant shall not leave the judicial district without the permission of the court or probation officer** - While under the supervision of the U.S. Probation Office for the Middle District of Tennessee, Mr. Pipkins traveled without permission on or about March 16 and 21, 2004 to Ripley, Tennessee.

Mr. Pipkin traveled to Meridian, Mississippi from September 20 - 22, 2005 without the permission of the U.S. Probation Officer. Mr. Pipkin admitted that he was in Meridian, Mississippi attempting to a secure government contract to clean up after th destruction of hurricane Katrina. He admitted that he was aware that he would not have been granted permission since this behavior represented third party risk because of a 1995 conviction in the Western District of Tennessee for falsifying government documents to fraudulently obtain \$100,000.00 through the Disaster Payment Program for Farmers.

- 5 The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month** - Mr. Pipkin has failed to submit monthly reports for August 2004, March, April 2005, April, and June 2006.

U.S. Probation Officer Recommendation:

☒ The term of supervision should be

☒ revoked.

☐ extended for \_\_\_\_\_ years, for a total term of \_\_\_\_\_ years.

☐ The conditions of supervision should be modified as follows:

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 29, 2006

s/Gerald Hunt

Gerald Hunt

U.S. Probation Officer

Approved:

s/Alice Conley

08/29/06

Supervising U.S. Probation Officer

Date

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THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ Other

S/Robert H. Cleland  
Signature of Judicial Officer

Date: August 31, 2006

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1. Defendant Thomas Pipkin
2. Docket Number (Year-Sequence-Defendant No.) 01-20264-001
3. District/Office Western District of Tennessee (Memphis)
4. Original Sentence Date 8/5/2002

*(If different than above):*

5. Original District/Office \_\_\_\_\_
6. Original Docket Number (Year-Sequence-Defendant No.) \_\_\_\_\_
7. List each violation and determine the applicable grade {see §7B1.1}:

<u>Violation{s}</u>	<u>Grade</u>
New Misdemeanor Criminal Conduct: DUI and Violation of the Implied Consent Law	C
Failure to notify probation officer within 72 hours of arrest	C
Failure to refrain from excessive use of alcohol	C
Traveling outside the district without permission of the probation officer	C
Failure to submit monthly reports	C
8. Most Serious Grade of Violation (see §7B1.1(b))	C
9. Criminal History Category (see §7B1.4(a))74	II

10. Range of imprisonment (see §7B1.4(a))

4-10 months

**\*Being originally convicted of a Class C felony, the statutory maximum term of imprisonment is 24 months; 18 U.S.C. §3583(e)(3).**

11. Sentencing Options for Grade B and C violations Only (Check the appropriate box):

- ☒ (a) If the minimum term of imprisonment determined under §7B1.4(Term of Imprisonment) is at least one month but not more than six months, §7B1.3(c) (1) provides sentencing options to imprisonment.
- ☐ (b) If the minimum term of imprisonment determined under §7B1.4(Term of Imprisonment) is more than six months but not more than ten months, §7B1.3(c) (2) provides sentencing options to imprisonment.
- ☐ (c) If the minimum term of imprisonment determined under §7B1.4(Term of Imprisonment) is more than ten months, no sentencing options to imprisonment are available.

**Mail documents to: United States sentencing Commission, 1331 Pennsylvania Avenue, N.W.  
Suite 1400, Washington, D.C., 20004, Attention: Monitoring Unit**

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**12. Unsatisfied Conditions of Original Sentence**

List any restitution, fine, community confinement, home detention, or intermittent confinement previously imposed in connection with the sentence for which revocation is ordered that remains unpaid or unserved at the time of revocation {see §7B1.3(d)}:

Restitution (\$)	Community Confinement
Fine (\$)	Home Detention
Other	Intermittent Confinement

**13. Supervised Release**

If probation is to be revoked, determine the length, if any, of the term of supervised release according to the provisions of §§5D1.1-1.3{see §§7B1.3(g)(1)}.

Term: \_\_\_\_\_ to \_\_\_\_\_ years

If supervised release is revoked and the term of imprisonment imposed is less than the maximum term of imprisonment possible upon revocation, the defendant may, to the extent permitted by law, be ordered to recommence supervised release upon release from imprisonment {see 18 U.S.C. §3583(e) and §7B1.3(g)(2)}.

Period of supervised release to be served following release from imprisonment: \_\_\_\_\_

**14. Departure**

List aggravating and mitigating factors that may warrant a sentence outside the applicable range of imprisonment:

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**15. Official Detention Adjustment {see §7B1.3(e)}: months \_\_\_\_\_ days \_\_\_\_\_**

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